THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.22046 OF 2001

Date: 09th October 2006

Between:
Ch.Pedda Linga Reddy, son of Matta Reddy,
aged 45 years, Battigudem, Peddavura Mandal,
Nalgonda District.

…. Petitioner.

And

1. The Spl. Cadre Deputy Registrar,
   Office on Spl. Duty, N.D.C.C. Bank Ltd.,
   Nalgonda, Nalgonda District and 3 others.

…. Respondents.

* * *

ORDER:

This writ petition is filed challenging auction notice dated 11th September 2001, proposing to auction the properties of the petitioner on the ground that no certificate under Section 71 of A.P. Cooperative Societies Act, 1964, (for short 'the Act') was issued by the competent authority.

2. At the time of admission of the writ petition, an interim order was made staying the sale of the properties set out in the schedule to the notice of attachment in E.P.No.854/D1/97-98 and the sale is being pursued without there being a decision or order or a certificate issued under Section 71 of the Act.

3. A detailed counter-affidavit has been filed and at para 4 of the counter it has been asserted that a notice was served before issuing certificate under Section 71 of the Act by the competent authority. Though the petitioner on 15.11.1996 acknowledged the said notice, did not attend on the date of hearing. After due verification of records/loan ledger of the society, a certificate was issued under Section 71 of the Act vide certificate No.2045/96 dated 29/11/96 *ex parte* stating that the petitioner was due to the society two consecutive instalments totalling an amount of Rs.21,844/- as on 01.2.1996 and the same was also served on the petitioner.

4. In view of the above, there are no merits in the writ petition and the same is liable to be dismissed and accordingly dismissed. However, this will not preclude the petitioner from filing an appeal as available under Section 76 of the Act against the certificate issued under Section 71 of the Act, if he is so advised. No costs.

_____

C.V.RAMULU, J.

Date: 09th October 2006.
BSB